

Federal Advisory Committee on Juvenile Justice (FACJJ) Webinar

April 20, 2015



Welcome!

We will begin at 1:00 p.m. ET

(12:00 p.m. CT; 11:00 a.m. MT; 10:00 a.m. PT; 8:00 a.m. HT; 4:00 a.m. Guam/MP)

- Public attendees will be able to listen and view the webinar as observers but will not be able to actively participate.
- ***FACJJ members:***
 - To ask a question or participate in the discussion during the session, use the chat tool to send a message to Dalene Dutton, FACJJ Chair.
 - Turn off your computer speakers to prevent feedback.
 - At the end of the session, you will receive an e-mail with a link to an evaluation.

For problems during the webinar,
call PGI Technical Support
at 888-569-3848.

Welcome to the FACJJ Webinar

Opening Remarks and Introductions

Kathi Grasso

Designated Federal Official (DFO)
OJJDP

Michelle Duhart-Tonge

OJJDP's NTTAC
Webinar Logistics

Dalene Dutton

FACJJ Chair

Welcome to the FACJJ Webinar

Meeting Opening

Kathi Grasso

Welcome

Introductions

Michelle Duhart-Tonge (webinar logistics)



Welcome to the FACJJ Webinar

Michelle Duhart-Tonge

Live Demonstration of Webinar Features



Welcome to the FACJJ Webinar

Reminder of Webinar Logistics

For any ***technical*** problems during the webinar,
call PGi Technical Support at 888-569-3848.

FACJJ Members:

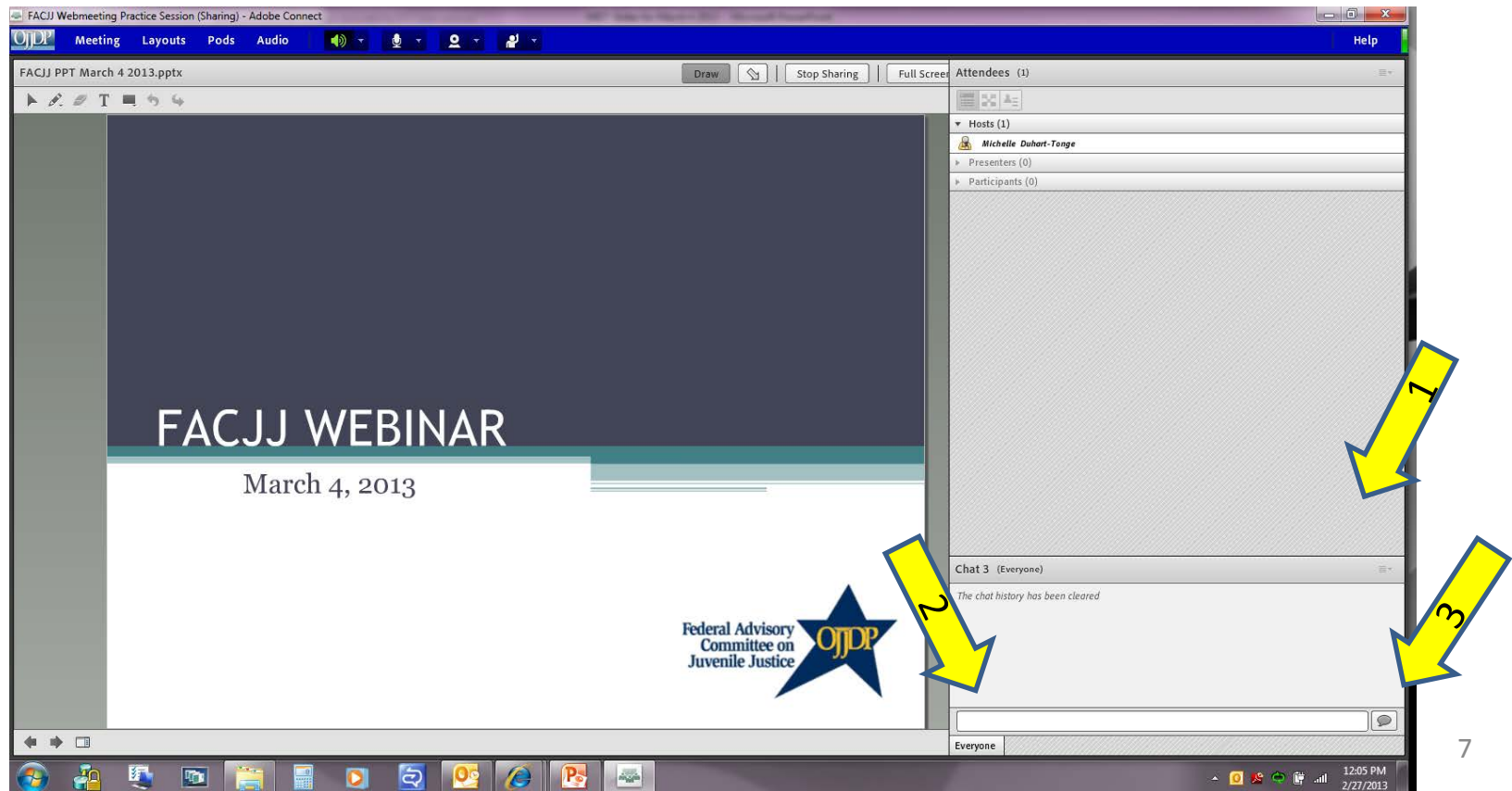
- If you would like to ask a content question or participate in the discussion, please use the chat tool to send a message to Dalene Dutton, FACJJ Chair.
- At the end of the meeting, an evaluation will be e-mailed to you to complete.

Note: Public attendees will be able to listen and view the webinar as observers but will not be able to actively participate.

Adobe Platform Information

Chat Box – To send a chat message to the host, a panelist, or another attendee:

- 1) Click the menu icon in the upper-right corner of the chat pod, choose “Start Chat With,” and then select “Hosts, Presenters, or Specific Attendees.”
- 2) Type your message into the text box.
- 3) Hit Enter or click the message bubble icon to send.



Welcome to the FACJJ Webinar

Meeting Opening

Dalene Dutton

FACJJ Chair

Welcome

Review of Agenda

Member Roll Call



Welcome to the FACJJ Webinar

Review of Today's Agenda

Agenda

- | | |
|-------------------------|---|
| 1:00 - 1:20 p.m. | Opening Remarks
DFO Remarks/Webinar Logistics
Welcome from FACJJ Chair Dalene Dutton
Questions/Comments |
| 1:20 - 1:30 p.m. | Remarks from Robert L. Listenbee, Administrator,
Office of Juvenile Justice and Delinquency Prevention |
| 1:30 - 3:30 p.m. | FACJJ Subcommittee Reports and Discussion |

Welcome to the FACJJ Webinar

Review of Today's Agenda (continued)

1:30 - 3:30 p.m. FACJJ Subcommittee Reports and Discussion (cont'd)

**Expungement and Confidentiality of Records Subcommittee (1 hour)
including presentation by Riya Shah, Staff Attorney,
Juvenile Law Center (JLC), Philadelphia, PA on JLC's
comprehensive evaluation of juvenile records laws in the
United States and in-depth study of related law (30 minutes)**

Research and Publications Committee (45 minutes)

Legislation Committee (15 minutes)

3:30 - 3:50 p.m. FACJJ Administrative Business

3:50 - 4:00 p.m. Summary, Next Steps, and Meeting Adjournment

Welcome to the FACJJ Webinar

FACJJ Members

Primary Members

Starcia Ague, WA

Tony Jones, FL

Kenya Lee, MD

Robin Lubitz, AZ

Claudio Norita, MP

Reginald Robinson, KS

Tawny Spinelli, TN

Dalene Dutton, ME (**Chair**)

ViEve Martin-Kohrs, LA

Raquel Montoya-Lewis, WA

Jim Moeser, WI (**Vice Chair**)

Christine Perra Rapillo, CT

Symone Sanders, NE

George Timberlake, IL

Alternate Members

Aileen Jo Artero, Guam

Pat Berckman, UT

Courtney Enright, AK

Dr. Kimberly Larson, MA

Liz Mueller, WA

Pili J. Robinson, MO

Dave Rosenthal, DC

Ashley Beall, ND

Richard Broderick, OH

Aris Johnson, TX

Andrew Longhi, VT

Sasha Pellerin, NM

John Roe IV, IL

Linda Whittington, MS

Welcome to the FACJJ Webinar

Meeting Opening

James Moeser

FACJJ Vice Chair

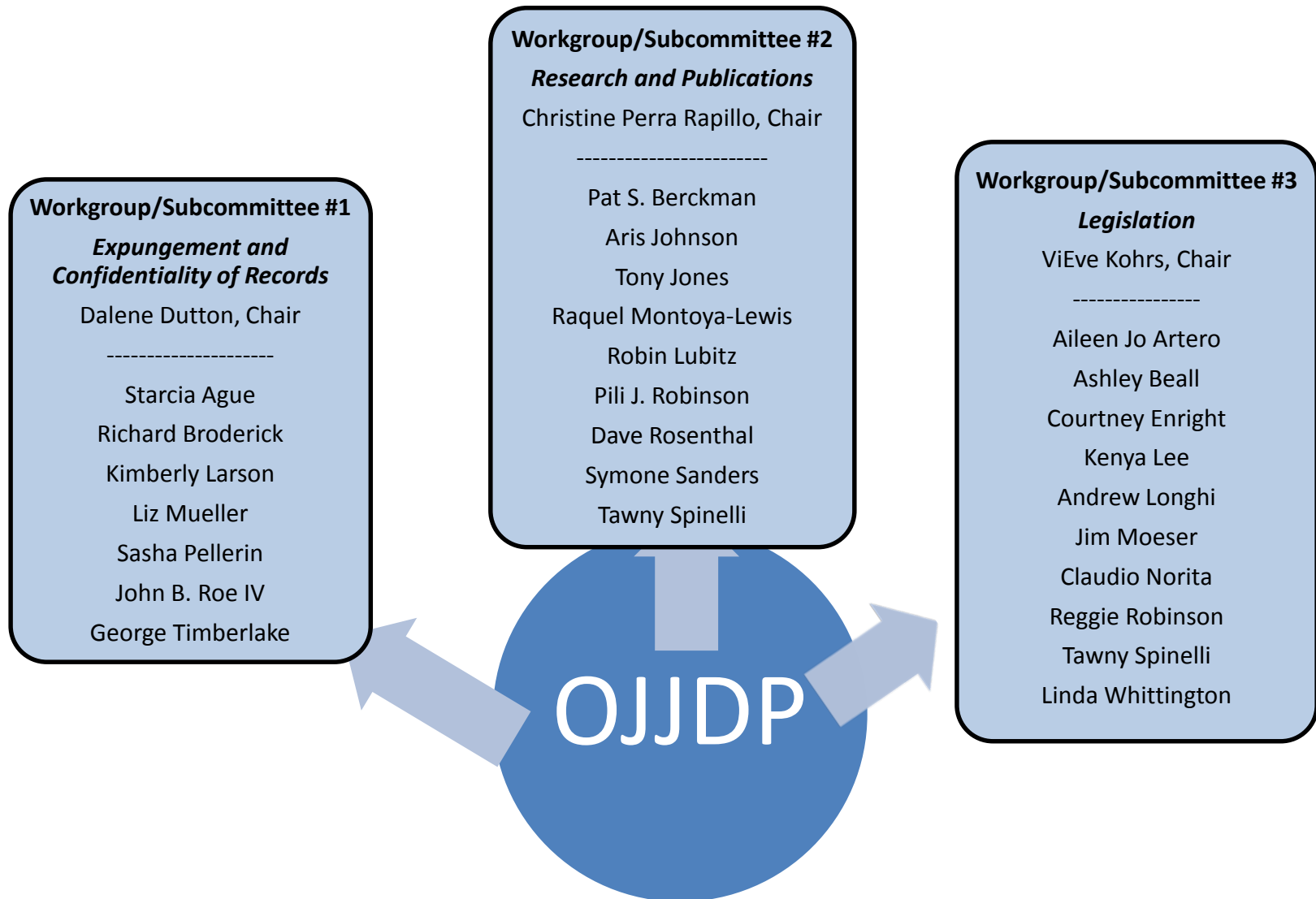
Remarks



Robert L. Listenbee
OJJDP Administrator
Remarks
Questions



Work Groups/Subcommittees



FACJJ Subcommittee Reports and Discussion

Expungement and Confidentiality of Records Subcommittee

Subcommittee Chair
Dalene Dutton



Expungement and Confidentiality of Records Subcommittee

Presentation by Riya Saha Shah
Staff Attorney
Juvenile Law Center
Philadelphia, PA



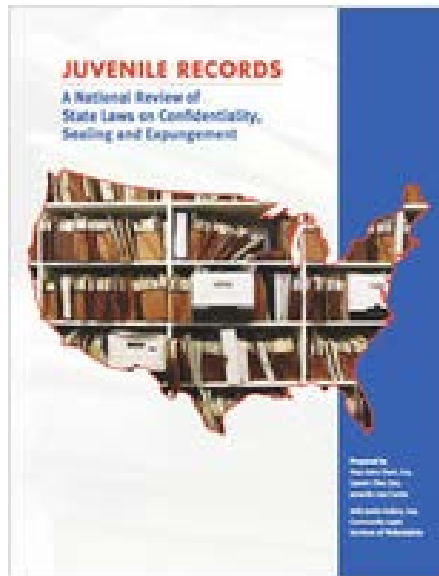
FAILED POLICIES, FORFEITED FUTURES

A Nationwide Scorecard on Juvenile Records



Juvenile records need better protection. A study of each state's policies on keeping juvenile records **confidential** and allowing for those records to be **expunged** shows that the nation limits opportunities for youth by failing to protect them from the harmful effects of their juvenile records.

www.jlc.org/juvenilerecords

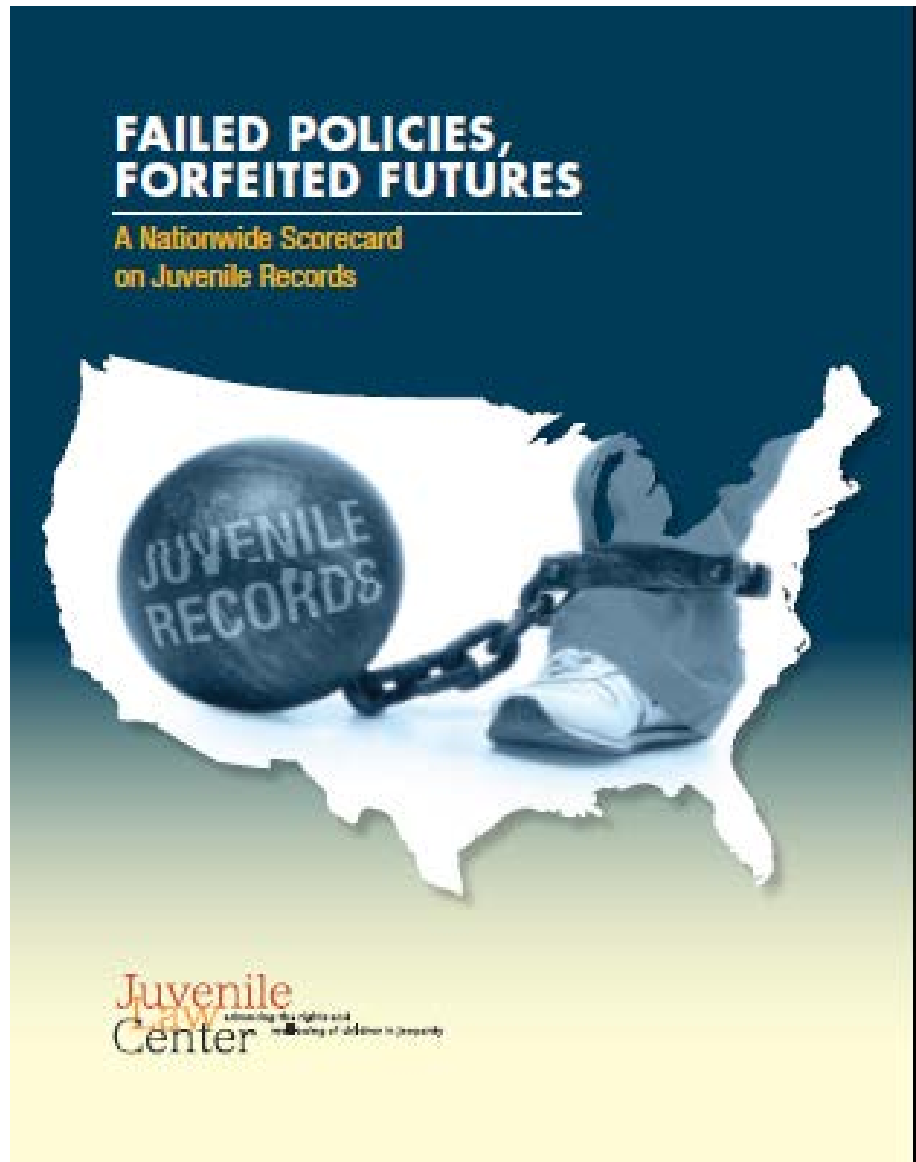


JUVENILE RECORDS: National Review of State Laws on Confidentiality, Sealing and Expungement (2014)

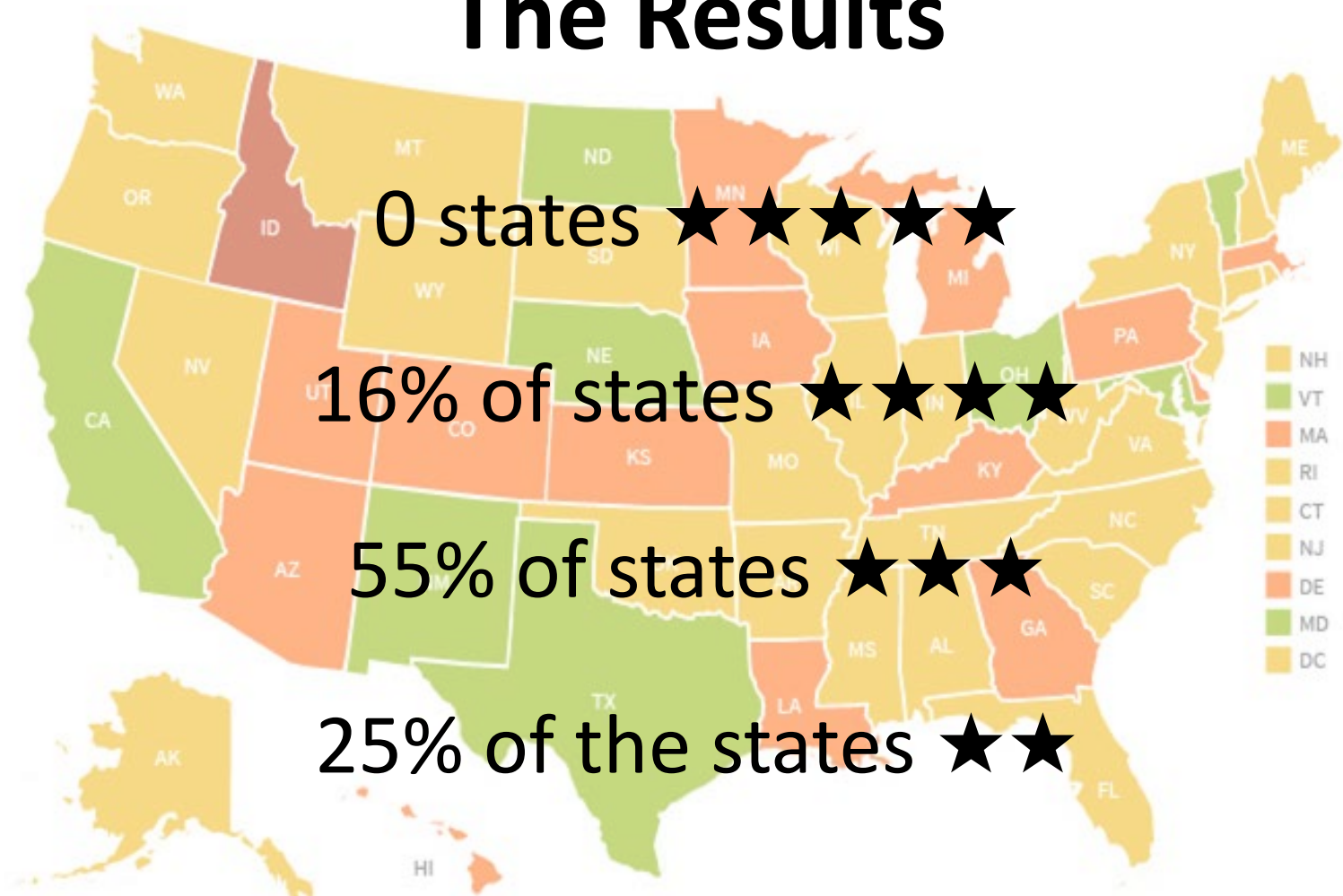


State Fact Sheets describing records laws in every state and the District of Columbia (2014)

- Confidentiality of records prior to sealing and/or expungement eligibility, and;
- Availability and process for obtaining sealing and/or expungement.



The Results



JUVENILE RECORDS

A National Review of
State Laws on Confidentiality,
Sealing and Expungement



Prepared by
Riya Saha Shah, Esq.
Lauren Fine, Esq.
Juvenile Law Center

with Jamile Gullen, Esq.
Community Legal
Services of Philadelphia

- State survey of confidentiality, sealing, expungement laws
- Core principles for optimal record protection
- Recommendations for policy reform

Core Principles

Confidentiality of
Juvenile Record
Information

Access to Juvenile
Record Information

Sanctions for Sharing
Confidential Information

Effect of Sealing and
Expungement

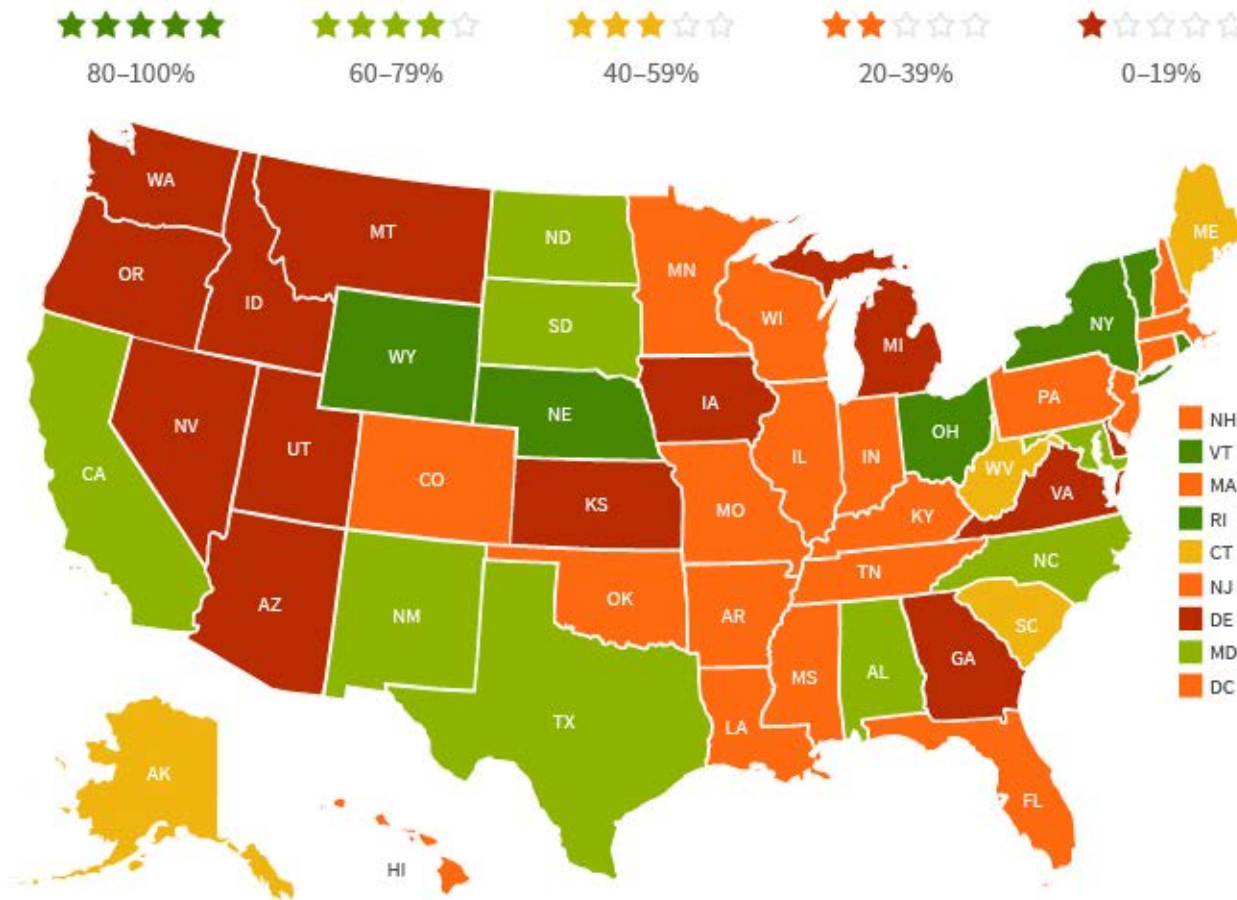
Notification of Sealing
and Expungement Rights

Expungement Eligibility
and Process

Sanctions for Sharing
Expunged Record
Information

Fee for Sealing and
Expungement

Confidentiality



Confidentiality of Juvenile Record Information

- List documents in records
- Confidentiality protections for juvenile court AND law enforcement records
- Separate adult and juvenile files

Total scores	Click states to see complete profiles and scores. Click column headers to sort. Click rows to highlight.	
Are law enforcement records confidential?	State	Score ▼ (Why do total points vary?)
Law enforcement records typically contain information regarding arrests, victim and witness statements, photographs, fingerprints and DNA samples. States that restrict availability of law enforcement records to law enforcement or court personnel only and do not provide exceptions to their general rules of confidentiality received the highest score.	New York	100% (13 OF 13 PTS)
	Rhode Island	100% (13 OF 13 PTS)
	California	77% (10 OF 13 PTS)
	Maine	77% (10 OF 13 PTS)
	Nebraska	77% (10 OF 13 PTS)
	Ohio	77% (10 OF 13 PTS)
	South Dakota	77% (10 OF 13 PTS)
	Vermont	77% (10 OF 13 PTS)
	Wyoming	77% (10 OF 13 PTS)
	Maryland	62% (8 OF 13 PTS)
	New Mexico	62% (8 OF 13 PTS)
	North Carolina	62% (8 OF 13 PTS)
	North Dakota	62% (8 OF 13 PTS)
	South Carolina	62% (8 OF 13 PTS)
	Texas	62% (8 OF 13 PTS)
	Kentucky	54% (7 OF 13 PTS)
	Pennsylvania	54% (7 OF 13 PTS)
	Alabama	46% (6 OF 13 PTS)
	Washington	46% (6 OF 13 PTS)
	National average	34% (4.4 OF 13 PTS)
How scoring works »	Massachusetts	31% (4 OF 13 PTS)
Are court records confidential?	Missouri	31% (4 OF 13 PTS)
Are records made available to the public?	West Virginia	31% (4 OF 13 PTS)
Are there sanctions for unlawfully sharing confidential	Alaska	15% (2 OF 13 PTS)
	Arkansas	15% (2 OF 13 PTS)
	Colorado	15% (2 OF 13 PTS)
	Connecticut	15% (2 OF 13 PTS)
	District of Columbia	15% (2 OF 13 PTS)
	Florida	15% (2 OF 13 PTS)
	Georgia	15% (2 OF 13 PTS)

Are law enforcement records confidential?	State	Score ▼ (Why do total points vary?)	Best states Available to least amount of people and least amount of exceptions to confidentiality
Are court records confidential?	Nebraska	77% (10 OF 13 PTS)	
Juvenile court records contain a youth's social, psychological, educational and family information, the results of assessments or evaluations, and other offense-related information to assist the court in planning for the child's supervision, treatment, and rehabilitation upon adjudication. States that restrict availability of court records to law enforcement or court personnel only and do not provide exceptions to their general rules of confidentiality received the highest score.	Ohio	77% (10 OF 13 PTS)	
	Rhode Island	77% (10 OF 13 PTS)	
	Vermont	77% (10 OF 13 PTS)	
	Wyoming	77% (10 OF 13 PTS)	
	Maryland	62% (8 OF 13 PTS)	
	New Mexico	62% (8 OF 13 PTS)	
	New York	62% (8 OF 13 PTS)	
	North Carolina	62% (8 OF 13 PTS)	
	North Dakota	62% (8 OF 13 PTS)	
	Texas	62% (8 OF 13 PTS)	
	Alabama	46% (6 OF 13 PTS)	
	California	46% (6 OF 13 PTS)	
	Alaska	31% (4 OF 13 PTS)	
	Massachusetts	31% (4 OF 13 PTS)	
	New Hampshire	31% (4 OF 13 PTS)	
	South Dakota	31% (4 OF 13 PTS)	
	West Virginia	31% (4 OF 13 PTS)	
	National average	28% (3.6 OF 13 PTS)	
	Arkansas	15% (2 OF 13 PTS)	
	Colorado	15% (2 OF 13 PTS)	
	Connecticut	15% (2 OF 13 PTS)	
	District of Columbia	15% (2 OF 13 PTS)	
	Florida	15% (2 OF 13 PTS)	
	Hawaii	15% (2 OF 13 PTS)	
	Illinois	15% (2 OF 13 PTS)	
	Indiana	15% (2 OF 13 PTS)	
	Kansas	15% (2 OF 13 PTS)	
	Kentucky	15% (2 OF 13 PTS)	
Are records made available to the public?	Nebraska	15% (2 OF 13 PTS)	

Access to Juvenile Record Information

- No public access to juvenile record information
- Limited access:
 - Individuals connected to case
 - Schools
 - Government agencies
 - Research
- Court order exception

Are law enforcement records confidential?	State	Score ▼ (Why do total points vary?)	
Are court records confidential?	Alabama	100% (6 OF 6 PTS)	<div></div>
Are records made available to the public?	Alaska	100% (6 OF 6 PTS)	<div></div>
Publicly available records can be placed on a searchable online database, or simply made available if an individual requests the record through the state police or the juvenile court. States that make it more difficult for the public to gain access to records received the highest score.	California	100% (6 OF 6 PTS)	<div></div>
How scoring works »	Connecticut	100% (6 OF 6 PTS)	<div></div>
Are there sanctions for unlawfully sharing confidential information?	Delaware	100% (6 OF 6 PTS)	<div></div>
	Maryland	100% (6 OF 6 PTS)	<div></div>
	Nebraska	100% (6 OF 6 PTS)	<div></div>
	New Mexico	100% (6 OF 6 PTS)	<div></div>
	New York	100% (6 OF 6 PTS)	<div></div>
	North Carolina	100% (6 OF 6 PTS)	<div></div>
	North Dakota	100% (6 OF 6 PTS)	<div></div>
	Ohio	100% (6 OF 6 PTS)	<div></div>
	Rhode Island	100% (6 OF 6 PTS)	<div></div>
	South Carolina	100% (6 OF 6 PTS)	<div></div>
	Texas	100% (6 OF 6 PTS)	<div></div>
	Utah	100% (6 OF 6 PTS)	<div></div>
	Vermont	100% (6 OF 6 PTS)	<div></div>
	Wyoming	100% (6 OF 6 PTS)	<div></div>
	National average	58% (3.5 OF 6 PTS)	<div></div>
	Arkansas	50% (3 OF 6 PTS)	<div></div>
	Colorado	50% (3 OF 6 PTS)	<div></div>
	District of Columbia	50% (3 OF 6 PTS)	<div></div>
	Florida	50% (3 OF 6 PTS)	<div></div>
	Georgia	50% (3 OF 6 PTS)	<div></div>
	Hawaii	50% (3 OF 6 PTS)	<div></div>
	Illinois	50% (3 OF 6 PTS)	<div></div>
	Indiana	50% (3 OF 6 PTS)	<div></div>
	Kentucky	50% (3 OF 6 PTS)	<div></div>
Grading scale			
★★★★★			

Juvenile records fully protected

California
 Illinois
 Nebraska
 New Mexico
 New York
 North Carolina
 North Dakota
 Ohio
 Rhode Island
 Vermont

Juvenile records available to public

Arizona
 Idaho
 Iowa
 Michigan
 Montana
 Oregon
 Washington

Sanctions for Sharing Confidential Information

Fine individuals or agencies that intentionally disclose confidential juvenile record information

No penalties on youth who share their own confidential information

records confidential?	National average	100% (6 OF 6 PTS)	
Are court records confidential?	Alabama	100% (6 OF 6 PTS)	
	Alaska	100% (6 OF 6 PTS)	
	Colorado	100% (6 OF 6 PTS)	
Are records made available to the public?	District of Columbia	100% (6 OF 6 PTS)	
	Georgia	100% (6 OF 6 PTS)	
	Indiana	100% (6 OF 6 PTS)	
Are there sanctions for unlawfully sharing confidential information?	Iowa	100% (6 OF 6 PTS)	
	Louisiana	100% (6 OF 6 PTS)	
	Maine	100% (6 OF 6 PTS)	
	Montana	100% (6 OF 6 PTS)	
	New Hampshire	100% (6 OF 6 PTS)	
	New Jersey	100% (6 OF 6 PTS)	
	New Mexico	100% (6 OF 6 PTS)	
	Oklahoma	100% (6 OF 6 PTS)	
	South Carolina	100% (6 OF 6 PTS)	
	South Dakota	100% (6 OF 6 PTS)	
	Tennessee	100% (6 OF 6 PTS)	
	Vermont	100% (6 OF 6 PTS)	
	West Virginia	100% (6 OF 6 PTS)	
	Wyoming	100% (6 OF 6 PTS)	
	Arizona	0% (0 OF 0 PTS)	
	Arkansas	0% (0 OF 0 PTS)	

Grading scale



★★★★★★ 80-100%
 ★★★★★☆ 60-79%
 ★★★☆☆ 40-59%
 ★★☆☆☆ 20-39%
 ★☆☆☆☆ 0-19%

WA, OR, MT, ND, MN, WI, MI, NY, ME, VT, NH, CT, NJ, PA, WV, VA, KY, TN, NC, SC, GA, FL, AL, MS, AR, MO, IL, IN, OH, DE, RI, MA, HI, AK, CA, NV, UT, WY, SD, NE, IA, KS, CO, NM, OK, TX, LA

Limited Accessibility

- Sealing
- Setting aside

No Accessibility

- Expungement
- Destruction

Effect of Sealing and Expungement

After sealing:

- Physically or electronically segregated so that only persons or agencies with statutory authority can gain access

After expungement:

- Deleted from the files of the court; and
- Respond that no record exists

Physical destruction of expunged records

Alabama
Arizona
Florida
Hawaii
Idaho
Illinois
Indiana
Michigan
Mississippi
Missouri
Montana
North Dakota
Oregon
South Carolina
Tennessee
Texas
Washington
Wisconsin

Is sealing or expungement available?
Sealing records alone can be ineffective because even if a record is technically sealed to everyone, it is physically still accessible and therefore can interfere with the youth's future plans. States that provide for complete sealing and expungement of juvenile records received the highest score, ensuring that youth can put their past behind them and focus on their futures.
How scoring works »
What records are subject to sealing and/or expungement?
What offenses are excluded from sealing or expungement?
Is sealing or expungement automatic or must the youth or some other individual or entity file a petition to initiate the process?
How and when is the youth notified of the availability of sealing or expungement, the process for sealing or expungement, and eligibility?
When may a juvenile's records be sealed or expunged?
Must the youth pay a fee for sealing or expungement?
Are sanctions imposed for failure to comply with sealing or expungement law?

State	Score ▼ (Why do total points vary?)	
Indiana	100% (14 OF 14 PTS)	
Maryland	100% (14 OF 14 PTS)	
Missouri	100% (14 OF 14 PTS)	
North Dakota	100% (14 OF 14 PTS)	
Oregon	100% (14 OF 14 PTS)	
Wisconsin	100% (14 OF 14 PTS)	
Alabama	86% (12 OF 14 PTS)	
Arizona	86% (12 OF 14 PTS)	
Illinois	86% (12 OF 14 PTS)	
Mississippi	86% (12 OF 14 PTS)	
Montana	86% (12 OF 14 PTS)	
New Jersey	86% (12 OF 14 PTS)	
North Carolina	86% (12 OF 14 PTS)	
Ohio	86% (12 OF 14 PTS)	
Oklahoma	86% (12 OF 14 PTS)	
Texas	86% (12 OF 14 PTS)	
Washington	86% (12 OF 14 PTS)	
Arkansas	64% (9 OF 14 PTS)	
Connecticut	64% (9 OF 14 PTS)	
Florida	64% (9 OF 14 PTS)	
Iowa	64% (9 OF 14 PTS)	
Louisiana	64% (9 OF 14 PTS)	
Minnesota	64% (9 OF 14 PTS)	
Pennsylvania	64% (9 OF 14 PTS)	
Rhode Island	64% (9 OF 14 PTS)	
South Carolina	64% (9 OF 14 PTS)	
Tennessee	64% (9 OF 14 PTS)	
Virginia	64% (9 OF 14 PTS)	
National average	59% (8.3 OF 14 PTS)	
Vermont	57% (8 OF 14 PTS)	
West Virginia	57% (8 OF 14 PTS)	
Wyoming	57% (8 OF 14 PTS)	
Alaska	36% (5 OF 14 PTS)	
California	36% (5 OF 14 PTS)	
District of Columbia	36% (5 OF 14 PTS)	
Georgia	36% (5 OF 14 PTS)	
Hawaii	36% (5 OF 14 PTS)	
Idaho	36% (5 OF 14 PTS)	
Kentucky	36% (5 OF 14 PTS)	
Michigan	36% (5 OF 14 PTS)	
New Mexico	36% (5 OF 14 PTS)	
New York	36% (5 OF 14 PTS)	
Utah	36% (5 OF 14 PTS)	
Colorado	21% (3 OF 14 PTS)	
Delaware	21% (3 OF 14 PTS)	
Kansas	21% (3 OF 14 PTS)	
Maine	21% (3 OF 14 PTS)	
Massachusetts	21% (3 OF 14 PTS)	
Nebraska	21% (3 OF 14 PTS)	
Nevada	21% (3 OF 14 PTS)	
New Hampshire	21% (3 OF 14 PTS)	
South Dakota	21% (3 OF 14 PTS)	

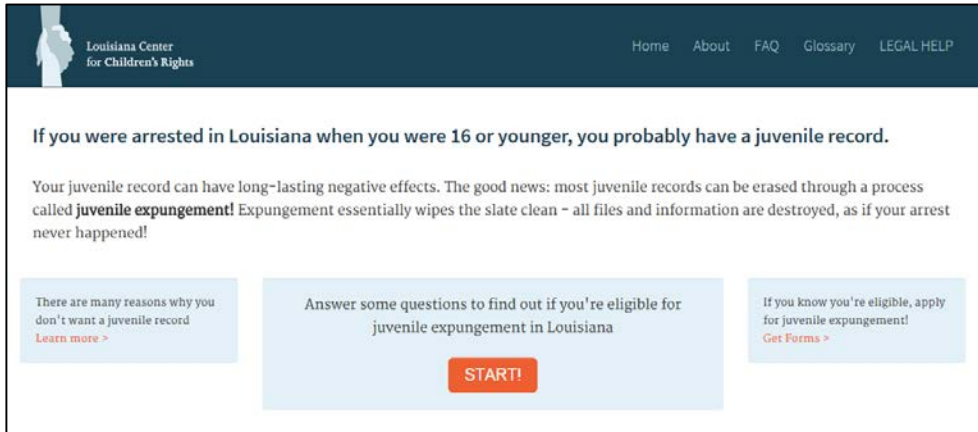
Notification of Sealing and Expungement Rights

- By the child's attorney
- By the court at the final hearing
- By the juvenile probation department when supervision discharged
- By the child's attorney and the court at the time the child is eligible to apply for expungement
- By the Clerk of Court when the expungement has been completed

Notification of Sealing and Expungement Rights

- Consequences of being adjudicated delinquent
- Information about the child's expungement rights
- Difference between a sealed and expunged record; and
- Timeline for automatic expungement or expungement upon application

Web-based Notification Tools



The screenshot shows the homepage of the Louisiana Center for Children's Rights. The header includes a logo of a person in a graduation cap and the text "Louisiana Center for Children's Rights". Navigation links for Home, About, FAQ, Glossary, and LEGAL HELP are present. The main content area features a headline: "If you were arrested in Louisiana when you were 16 or younger, you probably have a juvenile record." Below this, a paragraph explains that juvenile records can have long-lasting negative effects but can be erased through a process called "juvenile expungement". Three call-to-action boxes are displayed: "There are many reasons why you don't want a juvenile record" with a "Learn more >" link, "Answer some questions to find out if you're eligible for juvenile expungement in Louisiana" with a prominent orange "START!" button, and "If you know you're eligible, apply for juvenile expungement!" with a "Get Forms >" link.

Louisiana Center for Children's Rights

Home About FAQ Glossary LEGAL HELP

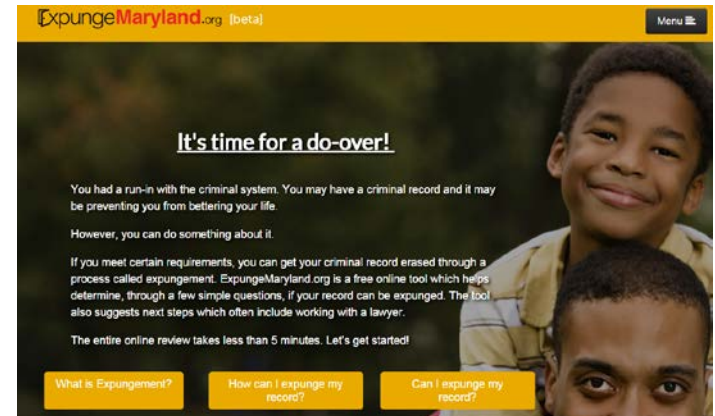
If you were arrested in Louisiana when you were 16 or younger, you probably have a juvenile record.

Your juvenile record can have long-lasting negative effects. The good news: most juvenile records can be erased through a process called **juvenile expungement!** Expungement essentially wipes the slate clean - all files and information are destroyed, as if your arrest never happened!

There are many reasons why you don't want a juvenile record
[Learn more >](#)

Answer some questions to find out if you're eligible for juvenile expungement in Louisiana
[START!](#)

If you know you're eligible, apply for juvenile expungement!
[Get Forms >](#)



The screenshot shows the homepage of ExpungeMaryland.org. The header is orange with the site name and a "[beta]" tag, and a "Menu" button. The background features a photo of two smiling young boys. The main headline is "It's time for a do-over!". The text explains that a criminal record can prevent bettering one's life but that there is a way to do something about it. It describes the expungement process as a free online tool that determines if a record can be expunged through a few simple questions. A note states that the entire online review takes less than 5 minutes. Three yellow buttons are at the bottom: "What is Expungement?", "How can I expunge my record?", and "Can I expunge my record?".

ExpungeMaryland.org [beta]

Menu

It's time for a do-over!

You had a run-in with the criminal system. You may have a criminal record and it may be preventing you from bettering your life.

However, you can do something about it.

If you meet certain requirements, you can get your criminal record erased through a process called expungement. ExpungeMaryland.org is a free online tool which helps determine, through a few simple questions, if your record can be expunged. The tool also suggests next steps which often include working with a lawyer.

The entire online review takes less than 5 minutes. Let's get started!

[What is Expungement?](#) [How can I expunge my record?](#) [Can I expunge my record?](#)



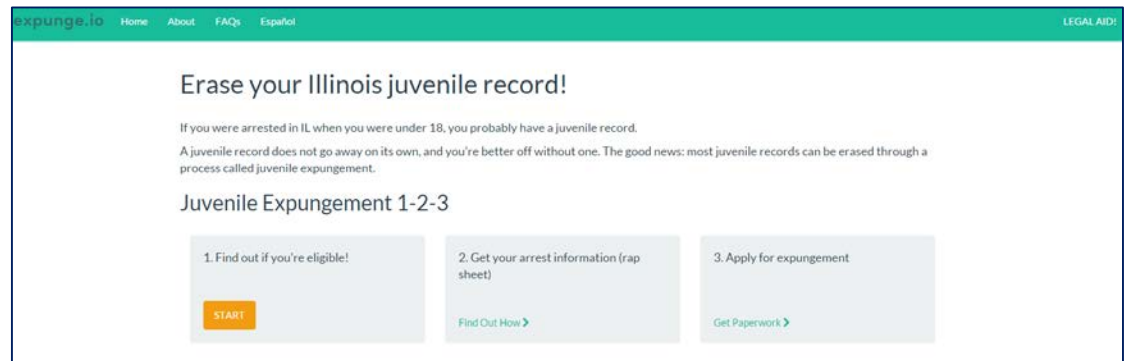
The screenshot shows the homepage of Expunge Philadelphia. The header includes the site name "EXPUNGE PHILADELPHIA" and navigation links for ABOUT, FAQs, and EXPUNGEMENT HOTLINE. The main content area features a large power button icon with the word "START!" below it. At the bottom, a small link reads "FIND OUT IF YOU'RE ELIGIBLE FOR JUVENILE EXPUNGEMENT".

EXPUNGE PHILADELPHIA

ABOUT FAQs EXPUNGEMENT HOTLINE

[START!](#)

FIND OUT IF YOU'RE ELIGIBLE FOR JUVENILE EXPUNGEMENT



The screenshot shows the homepage of Expunge.io. The header is teal with the site name and navigation links for Home, About, FAQs, and Español, and a "LEGAL AID!" link. The main headline is "Erase your Illinois juvenile record!". The text explains that if someone was arrested in IL when under 18, they probably have a juvenile record, and that most juvenile records can be erased through a process called juvenile expungement. The section "Juvenile Expungement 1-2-3" is followed by three steps in boxes: 1. "Find out if you're eligible!" with an orange "START" button; 2. "Get your arrest information (rap sheet)" with a "Find Out How >" link; and 3. "Apply for expungement" with a "Get Paperwork >" link.

expunge.io

Home About FAQs Español

LEGAL AID!

Erase your Illinois juvenile record!

If you were arrested in IL when you were under 18, you probably have a juvenile record.

A juvenile record does not go away on its own, and you're better off without one. The good news: most juvenile records can be erased through a process called juvenile expungement.

Juvenile Expungement 1-2-3

1. Find out if you're eligible!
[START](#)

2. Get your arrest information (rap sheet)
[Find Out How >](#)

3. Apply for expungement
[Get Paperwork >](#)

Expungement Eligibility and Process

- Automatic sealing at discharge
- Automatic expungement of diverted and dismissed cases
- Automatic expungement if the person has no subsequent or pending adjudications or convictions for the following 5 years; or
- Expungement at any time after hearing

Is sealing or expungement available?
What records are subject to sealing and/or expungement?
What offenses are excluded from sealing or expungement?
Many states limit sealing or expungement to records of certain offenses. States where records of all juvenile adjudications, regardless of the nature or grading of the offense, are eligible for either sealing or expungement received the highest score.
How scoring works »
Is sealing or expungement automatic or must the youth or some other individual or entity file a petition to initiate the process?
How and when is the youth notified of the availability of sealing or expungement, the process for sealing or expungement, and eligibility?
When may a juvenile's records be sealed or expunged?
Must the youth pay a fee for sealing or expungement?
Are sanctions imposed for failure to comply with sealing or expungement law?

Grading scale



State	Score ▼ (Why do total points vary?)	
Arkansas	100% (7 OF 7 PTS)	
California	100% (7 OF 7 PTS)	
Connecticut	100% (7 OF 7 PTS)	
District of Columbia	100% (7 OF 7 PTS)	
Georgia	100% (7 OF 7 PTS)	
Hawaii	100% (7 OF 7 PTS)	
Indiana	100% (7 OF 7 PTS)	
Iowa	100% (7 OF 7 PTS)	
Maine	100% (7 OF 7 PTS)	
Maryland	100% (7 OF 7 PTS)	
Massachusetts	100% (7 OF 7 PTS)	
Mississippi	100% (7 OF 7 PTS)	
Missouri	100% (7 OF 7 PTS)	
Nebraska	100% (7 OF 7 PTS)	
New Hampshire	100% (7 OF 7 PTS)	
New Mexico	100% (7 OF 7 PTS)	
Oklahoma	100% (7 OF 7 PTS)	
South Dakota	100% (7 OF 7 PTS)	
West Virginia	100% (7 OF 7 PTS)	
Wisconsin	100% (7 OF 7 PTS)	
National average	54% (3.8 OF 7 PTS)	
Florida	43% (3 OF 7 PTS)	
Montana	43% (3 OF 7 PTS)	
North Dakota	43% (3 OF 7 PTS)	
Pennsylvania	43% (3 OF 7 PTS)	
Tennessee	43% (3 OF 7 PTS)	
Illinois	29% (2 OF 7 PTS)	
Kansas	29% (2 OF 7 PTS)	
Kentucky	29% (2 OF 7 PTS)	
Louisiana	29% (2 OF 7 PTS)	
Nevada	29% (2 OF 7 PTS)	
North Carolina	29% (2 OF 7 PTS)	
Ohio	29% (2 OF 7 PTS)	
Oregon	29% (2 OF 7 PTS)	
Rhode Island	29% (2 OF 7 PTS)	
Texas	29% (2 OF 7 PTS)	
Utah	29% (2 OF 7 PTS)	
Washington	29% (2 OF 7 PTS)	
Wyoming	29% (2 OF 7 PTS)	
Alabama	14% (1 OF 7 PTS)	
Alaska	14% (1 OF 7 PTS)	
Arizona	14% (1 OF 7 PTS)	
Colorado	14% (1 OF 7 PTS)	
Delaware	14% (1 OF 7 PTS)	
Idaho	14% (1 OF 7 PTS)	
Michigan	14% (1 OF 7 PTS)	
Minnesota	14% (1 OF 7 PTS)	
New Jersey	14% (1 OF 7 PTS)	
New York	14% (1 OF 7 PTS)	
South Carolina	14% (1 OF 7 PTS)	
Vermont	14% (1 OF 7 PTS)	
Virginia	14% (1 OF 7 PTS)	

Eligibility

- Age
- Offense
- Duration of time since case closure

Sanctions for Sharing Expunged Record Information

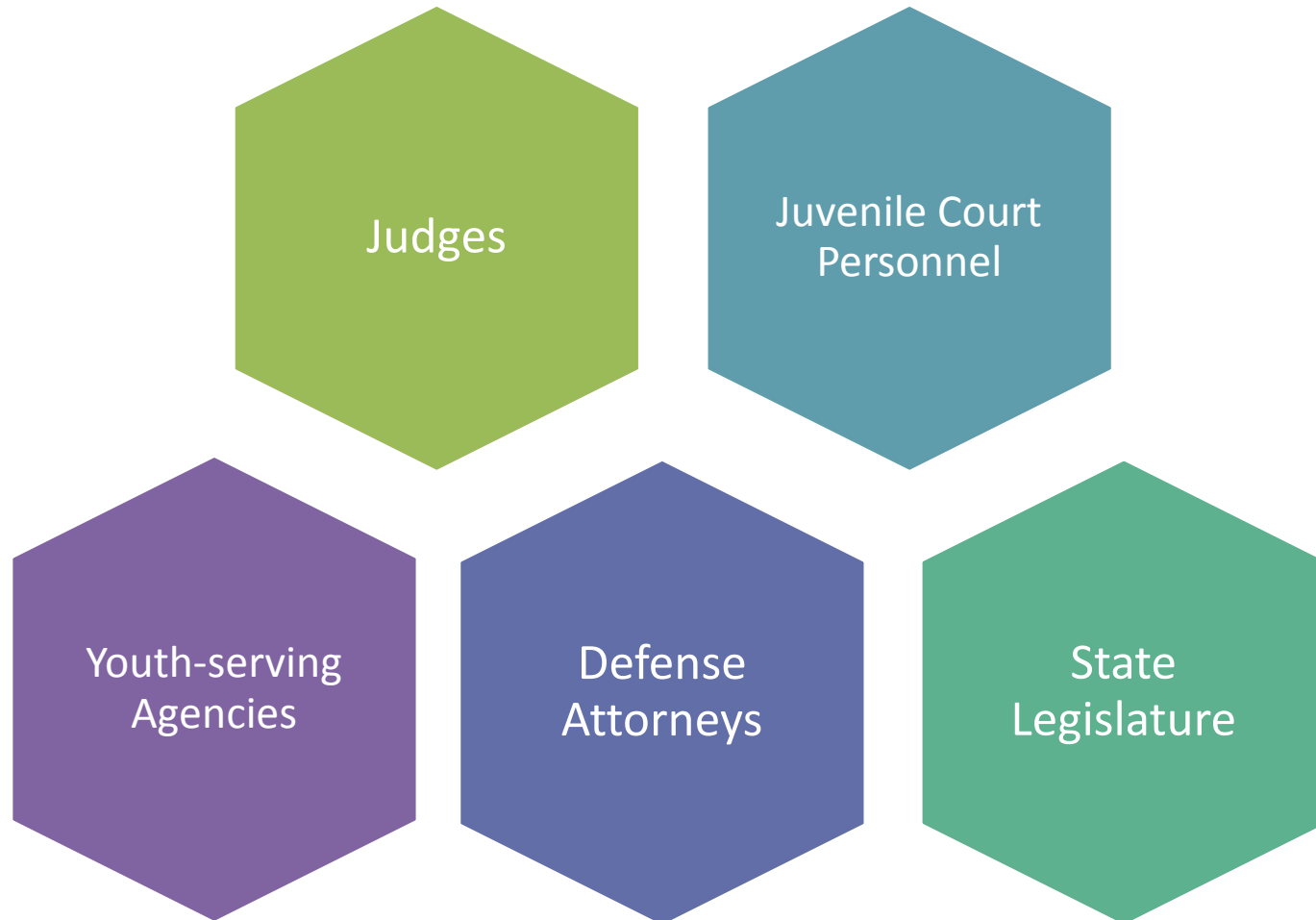
- Fine for disclosure of confidential information contained in an expunged juvenile court or law enforcement record
- Fine individuals or agencies that intentionally fail to carry out expungement orders
- No penalty on youth who share their own expunged juvenile record information

Fee for Sealing and Expungement



- No fee to file
- No fee to expunge

Policy Recommendations



QUESTIONS?

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Juvenile
Law Center
advancing the rights and
well-being of children in jeopardy

Expungement and Confidentiality of Records Subcommittee

Subcommittee Chair
Dalene Dutton



Examples of Questions for Discussion: Workgroup on Expungement, Sealing, and Confidentiality

- What does research tell us about the harmful collateral consequences of a juvenile record, including access to information that is inappropriately released/accessible, how that information inhibits successful rehabilitative efforts, and how availability of that information impacts transition to successful adulthood?
- What is current related to the range and components of state laws related to confidentiality and expungement? Are there common elements across all states?
- Is there an appropriate balance, as it relates to confidentiality and expungement of juvenile records, between promoting public safety as well as protecting fundamental privacy rights of youth and/or promoting successful transition to adulthood?
- Are there model statutes related to confidentiality and/or expungement that meet that balance and provide reasonable and accessible procedural access for youth, if desired, to seal and/or expunge a juvenile record?
- The focus related to expungement or sealing of records often is on court records, yet there are many forms of juvenile justice records (arrests, probation/supervision, prosecutors, etc.) that are maintained by others who interact with those youth. Are there model statutes and/or recommendations that address how those records can also be protected/sealed/expunged?
- For states that seal or expunge juvenile records in some fashion, is that information actually “erased” or are there ways in which that information can be recovered?
- While it may be within the purview of individual states to develop statutes related to this issue, what are the opportunities for OJJDP to provide leadership related to research, development of model statutes, and/or inclusion of standards within federal legislation or funding?

- Expungement, sealing and confidentiality have been topics of study and discussion in State Advisory Groups and juvenile justice interest groups for many years. With some notable exceptions, little progress has been made in addressing the collateral consequences of a juvenile record. Barriers in education, housing and employment continue to exist – even in states with statutory protections for confidentiality, sealed records and methods for judicial expungement of juvenile arrest and court records.

Potential Recommendations

1. Research legal bases for appropriate federal jurisdictions to establish minimum standards and definitions for expungement, sealing and confidentiality.
2. Research and describe methods of access to juvenile records throughout states, territories and the federal government designed to protect expunged, sealed and legally confidential records.
3. Create a “best practices” document based on current research and in consideration of current Supreme Court opinions.
4. Consider federal jurisdiction regarding the private industry sale of juvenile records and create regulatory and statutory suggestions to prevent violation of state and federal prohibitions against the disclosure of expunged, sealed or confidential information in interstate commerce.
5. Develop goals for technical assistance, publications and grant funding in this subject area.

Next Steps: Workgroup on Expungement, Sealing, and Confidentiality

- Identify target/focus for next calls
- Identify individuals to invite to participate in subcommittee calls
- Set timeline for next calls



Research and Publications Subcommittee

Subcommittee Chair

Christine Perra Rapillo



Goals

- Identify other juvenile justice research issues impacting the states that may not have been addressed by OJJDP.
- Review and make recommendations on how research and best practices are disseminated to the states.

Issues

- Research
 - Trauma and its Impact on JJ
 - Evidence Based Practices
 - How to be evidence based?
 - Info for states on what has worked.
 - How to get info to decision makers.
 - Data
 - States want to compare results.
 - What has been done and how did it work?
 - Common points to make data valid for comparison.

Issues

- Publications
 - Website
 - Is it user friendly?
 - Do people know about it? Possible publicity campaign?
 - Creation of a searchable database
 - Common data point outcomes.
 - Programs done with grant funding from OJJDP with evaluation data.

Recommendations

- **The Research and Publications Workgroup again recommends that OJJDP encourage standardized definitions and collection of data by the states.**
 - States want to be able to compare results across jurisdictions but no standard definitions or data set exists that would allow for meaningful comparison.
 - The need for standard data points, especially in the area of evidence based practices, has been highlighted by the FACJJ in earlier reports.
 - Process could be started by identifying 5 data points with guidance on a standard definition.
 - The data points should create meaningful measures of positive outcomes in the Office's activities, related to OJJDP's vision of a nation where children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, that contact should be rare, fair, and beneficial.

Recommendations

- **The workgroup recommends that a database of existing and past OJJDP funded projects be created and made accessible to the states.**
 - The workgroup determined that there is no publically accessible database of projects or research funded by OJJDP.
 - States have indicated that they would like the ability to research what other jurisdictions have done with their funding, including being able to review the evaluation and research components of the programs.

Recommendations

- The work group recommends that OJJDP focus research on the impact of trauma on juvenile delinquency.
 - Specifically, the group recommends that research be developed on whether children, especially children of color, are being diagnosed with a conduct disorder when symptoms and evidence of trauma are equally present and the impact that has on their treatment.

Legislation Subcommittee
Subcommittee Chair
ViEve Kohrs



Workgroup on Legislation – Role and Responsibilities

From the FACJJ Charter, Section 3 - Objectives and Scope of Activity:

- *The federal Charter for the FACJJ includes a role for FACJJ to advise the Administration and Congress related to federal legislation “...pertaining to juvenile justice and delinquency prevention.”*

From the FACJJ By-Laws/Section X -
Recommendations:

“The Committee is to provide: (1) advice to the Administrator on functions or aspects of the work of OJJDP; and (2) advice to Congress and the President, through the Attorney General, regarding State perspectives on the operation of OJJDP, on legislation pertaining to juvenile justice and delinquency prevention and on any other matters as requested by OJJDP. Such advice may be provided in the form of memoranda, written responses to Office requests, briefings, consultations and/or reports.”

Examples of Questions for Discussion:

Workgroup on Legislation

- What role, if any, should the FACJJ play as it relates to reauthorization of JJDPA?
- Can/should FACJJ members play a more proactive role in interacting with SAGs in providing information and/or opportunities for input related to federal legislation? What processes could be put in place to guide and support FACJJ fulfilling that role?
- What are some of the limitations or ethical boundaries placed upon FACJJ and/or individual members related to education and/or advocacy on such legislation?
- Are there other legislative initiatives that the FACJJ should consider and/or provide input on (e.g. The Youth PROMISE Act, the Redeem Act, other)?
- Related to federal legislation, what process can be put in place to permit appropriate consideration of such legislation by FACJJ and input to policy-makers in a timely manner?
- Other?

Next Steps: Workgroup on Legislation

- Affirm/confirm membership* and interest
- Identify target/focus for discussion/next call
- Identify approximate timeline for next discussion/call



FACJJ Administrative Business

Summary, Next Steps, and Meeting Adjournment

Dalene Dutton
FACJJ Chair



Next Steps/Topics – Some Ideas

Topics that have previously been identified for potential FACJJ focus:

- Legislation – including JJDPA Reauthorization
- ✓ Funding
- ✓ Federal State Relations
- Research and Publications
- ✓ Evidence-based Practices and Outcomes
- ✓ Training and Technical Assistance
- Delinquency Prevention
- Improve/Support increased collaboration across federal agencies (e.g. mental health, education, victims advocates, law enforcement, etc.) working with youth and families
- Special Issue Areas, e.g.
 - Expungement and Confidentiality of juvenile records
 - Increasing parental voice and engagement in the process
 - Improving practices related to dual-status youth
 - Improving practices related to special groups, e.g. girls, young children, youth with special needs, mental health
- Other??????

For more information, contact:

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The Office of Juvenile Justice and Delinquency
Prevention (OJJDP)

<http://www.ojjdp.gov>

OJJDP's National Training and Technical Assistance
Center (NTTAC)

<http://www.nttac.org>

Webinar Archives



Approximately 45 business days after the webinar, you can view the slide presentation and meeting summary at www.facjj.org



FACJJ members only: Please look for an e-mail from Joyce Mosso following this Web meeting to respond to an evaluation.